

REMARKS

Entry of this response and reconsideration and allowance of the above-identified patent application are respectfully requested. Claims 1-31 were rejected in the Office Action. Following entry of the present response, claims 1-31 will remain pending in the present application.

Rejection under 35 U.S.C. §102 (b)

Claims 1, 2, 5, 9-11, 24-27, 29 and 30 stand rejected under 35 U.S.C. §102 (b) as being unpatentable over U.S. Patent No. 4,996,704 to Brunson. In particular, the Office Action contends that Brunson teaches a method of personalizing voice mail messages by, *inter alia*, creating recorded messages according to distinct personalities for interacting with a voice mail system.

Applicant respectfully submits that the invention patentably defines over Brunson. In particular, Brunson does not teach or disclose having recorded messages with “distinct personalities,” as recited in the present invention.

As noted in the Background section of the present application, prior art voice mail systems typically have multiple prerecorded messages that may use a single voice for all of the announcements. (*Specification* – page 1, lines 31-34 to page 2, lines 1-2). For example, a prior art voice mail user may have an “extended absence” announcement and a “regular personal greeting” announcement, both of which are recorded by the user himself. However, because different people find certain speech patterns more appealing than others, the present invention goes beyond this simple prior art example and provides “recorded messages according to *distinct personalities*,” as recited in claim 1. These “distinct personalities” may be accomplished, for

example, by modifying the speed, dialect, or pitch of a recorded message, although the invention is not limited to these particular modifications. For example, as noted in the present specification, the invention may include “a variety of distinct personalities and emotional qualities, such as happy, serious, verbose and terse.” (*Specification* – page 13, lines 26-27).

Brunson, on the other hand, does not contemplate a voice mail system that permits the recording of messages with “distinct personalities.” Brunson, like the prior art described in the present Background section, is directed to a system that “allows a *system subscriber to record* a plurality of ‘customized’ announcement messages.” (*Brunson* - column 1, lines 59-62) (emphasis added). Although Brunson describes at length the operations that are required to create such subscriber-based recordings (*Brunson* – column 5, lines 55-68 to column 6, lines 1-48; Figure 5), nowhere does Brunson teach or suggest that the subscriber-based recordings may have “distinct personalities,” as with the present invention. In fact, quite the contrary, Brunson teaches away from the present invention by disclosing that the “*system subscriber*” records the customized announcement messages (*Brunson* - column 1, lines 59-62) (emphasis added), whereas the present invention suggests that one or more “voice talents” do the recording. (*Specification* – page 13, lines 28-30).

Accordingly, because Brunson does not teach or suggest the present invention, Applicant respectfully requests that the rejection under 35 U.S.C. §102 (b) be withdrawn.

Rejection under 35 U.S.C. §103 (a)

Claims 3, 4, 6, 8, 12-14 and 28 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Brunson in view of U.S. Patent No. 5,825,871 to Mark. In particular, the

Office Action suggests that Mark teaches modifying the speed, dialect, or pitch of the selected recorded message (*Mark* – column 51, lines 31-38).

First, the reasons stated above for overcoming the §102 (b) rejection over Brunson apply, and therefore Applicant respectfully requests that the rejection under 35 U.S.C. §103 (a) over Brunson in view of Mark be withdrawn. Also, because Brunson is directed to a different subject matter, its combination with Mark is improper or inappropriate.

Further, Mark discloses a system that is capable of detecting and processing the dialect or language of the incoming speech commands from the particular caller. For example, Mark may be able to decipher spoken words in different dialects so as to recognize an incoming command received from the calling party. This is to be distinguished from the present invention's creating and/or *playing of announcements* having different dialects/personalities or the like for the calling party, so as to accommodate the desires and capabilities of those accessing the inventive voice mail system. Applicant's claims are clearly directed to messages to be played, to which the references are not directed.

Accordingly, because neither Brunson nor Mark teaches or suggests, alone or in combination, the claimed invention, Applicant respectfully requests that the rejection under 35 U.S.C. §103 (a) be withdrawn.

Claim 7 stands rejected under 35 U.S.C. §103 (a) as being unpatentable over Brunson in view of U.S. Patent No. 6,101,241 to Boyce et al. ("Boyce"). For the reasons stated above with respect to the rejection under 35 U.S.C. §102 (b) over Brunson, Applicant respectfully requests that the rejection under 35 U.S.C. §103 (a) over Brunson in view of Boyce be withdrawn. Also, because Brunson is directed to a different subject matter, its combination with Mark is improper

or inappropriate. Further, Boyce is directed to creating a production script, while applicant's claim 7 is directed to an interactive systems interfacing with a (calling) user.

Claims 15, 18-20, 22 and 23 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Brunson in view of U.S. Patent No. 5,905,774 to Tatchell et al. ("Tatchell"). For the reasons stated above with respect to the rejection under 35 U.S.C. §102 (b) over Brunson, Applicant respectfully requests that the rejection under 35 U.S.C. §103 (a) over Brunson in view of Tatchell be withdrawn. Also, because Brunson is directed to a different subject matter, its combination with Mark is improper or inappropriate. Further, the referenced column and lines in Tatchell do not appear to relate to user competence.

Claims 16-20 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Brunson in view of Mark and Tatchell, and in further view of U.S. Patent No. 4,785,473 to Pfeiffer et al. ("Pfeiffer"). For the reasons stated above with respect to the rejection under 35 U.S.C. §102 (b) over Brunson, Applicant respectfully requests that the rejection under 35 U.S.C. §103 (a) over Brunson in view of Mark and Tatchell, and in further view of Pfeiffer be withdrawn. Also, because Brunson is directed to a different subject matter, its combination with Mark is improper or inappropriate. Besides, the message speeds related to data transfer speeds not message play speeds, so Pfeiffer appears to be inapposite.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that the claims are allowable and that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned attorney, Vincent J. Roccia at (215) 564-8946, to discuss resolution of any remaining issues.

Respectfully submitted,

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